



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

June 29, 2004

PUBLIC HEARING: Dorothy Wentworth, 10 Leblanc Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Dorothy Wentworth, 10 LeBlanc Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 10 LeBlanc Road maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 327

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Just state your name for the record.

Ms. Wentworth: Dorothy Wentworth.

Mr. Wentworth: I'm James Wentworth.

Mr. George: Tell us what you'd like to do.

Mr. Wentworth: We're Dorothy and James Wentworth of 10 LeBlanc Road, also know as 8 – 12 LeBlanc Road, where we've lived for 16 years. We're asking for a variance to allow the construction of an addition to our house maintaining the front setback of the existing structure. In addition to the plans that we submitted with our petition, I have a couple of additional drawings and photographs if you'd like to see them.

Mr. Wentworth circulated drawings and photographs.

Mr. George: Have you spoken to any of your neighbors about this?

Mr. Wentworth: We have. My neighbor behind us said anything we can do to support you, please let us know.

Ms. Wentworth: Our neighbors across from the front of our house have also said that, good luck.

Mr. Wentworth: The front diagram there is the artists drawing of the front elevation of the proposed structure. The second page shows the foundation layout of the new additions. Just to help assess any potential impact, I've included some photographs in the back that show a photograph of the front yard with 2 red stakes in the yard, 1 at the existing property line and a second one marked off 30 ft. from the property. There's a view of those same 2 stakes looking out across LeBlanc Road.

Mr. George: With the garage addition, is that going to be within the setback requirements?

Mr. Wentworth: Yes, it certainly is. The front, back and side are within the zoning requirements for zone 5.

Mr. George: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals Unanimously voted to grant the appeal of Dorothy Wentworth, 10 LeBlanc Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 10 LeBlanc Road maintaining the existing setbacks of said property.

The appellant proposes to construct one addition to the westerly side of her home that will consist of a breezeway and an attached two-car garage that will be sited between Leblanc Road and Edgemont Road with all facets of the construction in full compliance with the applicable provisions of the Zoning Bylaw. To the easterly side of the house, Mrs. Wentworth proposes to construct a two bedroom addition that will align with its existing front wall and maintain its existing front yard setback of approximately 25 ft.

Upon review of this appeal, the board found that the proposed expansion of the subject residence would not materially change its nonconforming configuration or adversely impact the welfare of area residents. They noted that, due to the physical layout of Leblanc Road, the appellant's front lawn extends approximately 15 ft. beyond the front lot line giving the property the appearance that it is more than compliant with the minimum front yard setback. It was their opinion that, in this instance, the lateral extension of the front wall of the dwelling an additional 19 ft. would comply with the intent of the bylaw in permitting the expansion of nonconforming buildings and structures and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Denise Noyes, 9 O'Donnell Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Denise Noyes, 9 O'Donnell Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 9 O'Donnell Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 10.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Please state your name for the record and make your presentation.

Ms. Noyes: Sure, my name is Denise Noyes. I live at 9 O'Donnell Ave. in Shrewsbury. I've been a resident of the town and lived in the same house since 1985. I love the town and the neighborhood.

My house is a bungalow and has very small living quarters on the second level. I feel that I need more space and feel that it would be much more cost effective for me to renovate my existing house as opposed to purchasing a new house in town.

I have hired an architect because I did not change the style of my home and I wanted it to be in compliance with the neighborhood homes, which are all 2-story homes. I did not change the existing footprint of the house or the zoning offsets to the property lines. I have only 1 copy of this.

Mr. George: That's all right; we can just circulate it.

Ms. Noyes circulated a copy of the elevations.

Ms. Noyes: The first page is the existing home. That's the way the house looks now. As you can see from the elevations, I am taking the existing hip roof off of the house and extending the walls 5 ft. on each side, putting a shed roof over the porch and a gable roof over the house. This will give me 3 bedrooms, a bath and a laundry on the second level. I am also changing the existing stairway from the first level to the second level, which is not up to code right now, and bringing that up to code.

I have a large lot. It's about 39,000 sq. ft. I expect that the project will take about 3 months from when I start. That's it.

Ms. Murphy: How much square footage will you gain?

Ms. Noyes: Probably about 450 sq. ft., not much.

Mr. Gordon: How much do you have now, about 900?

Ms. Noyes: It's just about 1,000.

Mr. George: Are there any questions from the board?

Mr. Gordon: It's an active neighborhood.

Mr. George: It is.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Denise Noyes, 9 O'Donnell Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 9 O'Donnell Ave. maintaining the existing setbacks of said property.

The appellant's home was constructed well before the institution of zoning in Shrewsbury and is nonconforming with respect to its front and northerly side yard setbacks. The second floor area of the dwelling consists of a half story containing a relatively small amount of useable floor area. Ms. Noyes proposes to raise its roof approximately 5 ft. which will expand each of the three bedrooms located on that level as well as adding bathroom and laundry facilities.

Upon review of this appeal, the board found that the proposed vertical expansion of this structure would minimally alter its nonconforming features and that its alteration would have no impact upon the welfare of area residents. They found that the completed structure would compliment the general character of other homes situated within this neighborhood, many of which are similarly nonconforming in various respects, and that it would not conflict with the general intent of the Zoning Bylaw in regulating the expansion of such structures. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Peter and Annette Hanson, 277 Maple Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Peter and Annette Hanson, 277 Maple Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of an addition 5 ft. from the sideline of Beacon Street upon property located at 277 Maple Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 612.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Before we go forward on this, we only have 4 board members present. In order to have this approved, you have to have a unanimous decision by all 4 board members. Would you like to go forward on this or come back at a later date?

Ms. Hanson: Can we present it tonight or do we need to come back at another time?

Mr. George: How do we do that Ron?

Mr. Gordon: It's up to you.

Mr. Alarie: You can certainly present your appeal tonight. If you choose to, you could wait until there was a 5 member board.

Mr. Rosen: The difference is that it takes a 4/5's vote to approve a variance. So, with the 4 member board, 1 negative will deny you. With a 5 member board, you can get away with 1 negative vote.

Ms. Hanson: We didn't realize that.

Mr. Hanson: We didn't realize that. We would be better off to wait, I suspect.

Ms. Hanson: I guess we'll wait for it. We've already contacted our neighbors and everything, but we'll go ahead and wait. When can you have us on the agenda next?

Mr. George: Ron, when can we do it?

Mr. Alarie: We haven't scheduled our next meeting yet, but I suspect that it will be towards the latter part of July.

Mr. Rosen: Is Tony not coming or is he late or do you know?

Ms. Lane: I haven't heard anything from him about needing a substitute.

Mr. Gordon: Maybe they could wait a little while and see if he comes.

Mr. Rosen: Maybe you would like to wait. It's possible that the fifth board member may show up.

Ms. Hanson: We could wait a while.

Mr. Gordon: So, why don't we continue the hearing and make a decision on that if he doesn't show up.

Mr. George: All right; we'll continue the hearing.

Ms. Hanson: I think we would like to be heard when there is a 5 member board.

Mr. George: So, what do we do Ron?

Mr. Alarie: If we have to postpone it, we'll have to just re-notify abutters and you'll adjourn it until the next scheduled public hearing.

Mr. Gordon: I move that we adjourn it until the next public hearing.

Mr. Rosen: I second it.

Mr. George: All those in favor?

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Bin Liu, 10 Roberts Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Bin Liu, 10 Roberts Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Residence B-2 District, to allow the construction of an addition 4 ft. from the side lot line of property located at 10 Roberts Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 38 as Plot 106.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. Gordon: Mr. Chairman, I live on South Quinsigamond Avenue. I'm not an abutter. I'm not even a second abutter. I'd be about a fourth abutter, but I have no personal interest in this.

Mr. George: Mr. Liu, I'm going to tell you like we just told the previous people that we only have 4 board members present tonight and ask you if you would like to go forward with this tonight or wait until we have a 5 member board?

Mr. Liu: Yes, I'm so sorry. I just need your explanation again.

Mr. George: You need all 4 members here in favor of your petition in order for it to get approved.

Mr. Liu: Okay.

Mr. Gordon: Or, you have the option of asking for a continuance and we will do it another night when we have a 5 member board. Is that right?

Mr. George: Yes.

Mr. Liu: Yes. The other night means next month?

Mr. George: That would be sometime in July.

Mr. Liu: I would prefer to continue.

Mr. George: Okay, we're going to continue this hearing unless you want to wait to see if a fifth board member comes in. We're not sure if he's coming or not. Are we sure Linda?

Ms. Lane: He didn't ask me to find a substitute.

Mr. Liu: He may come tonight?

Mr. George: He may come.

Mr. Liu: I will wait.

Mr. George: Mr. Liu, would you like to continue to next month's hearing?

Mr. Liu: In July sometime, right? Okay, I'll come back then.

Mr. Gordon: I move that we adjourn to the July meeting.

Mr. Rosen: I second it.

Mr. George: All in favor?

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

Mr. George: Okay, it will be next month, possibly in July.

Mr. Liu: Okay.

PUBLIC HEARING: James MacLennan, 29 Vista Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of James MacLennan, 29 Vista Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of an addition 10 ft. from the sideline of Vista Place upon property located at 29 Vista Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 17 as Plot 39.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Before we go forward, I'm going to notify you that we only have 4 board members present and you have to have a vote in favor from each board member in order to have your petition approved. Would you like to go forward or would you want to continue?

Mr. MacLennan: I'll go forward.

Mr. George: Please make your presentation.

Mr. MacLennan: I have some documents here. I'm just putting on an addition off of the back of my house. It's roughly 16 ft. x 22 ft.

Mr. MacLennan passed plans to the board members.

Mr. MacLennan: There's an existing porch there that this is taking the place of.

Mr. Alarie: Mr. Chairman, when I wrote up the ad, unfortunately the plot plan that we received in the appeal did not show the addition on it. I'm not sure if it's 10 ft. from the line or further away. I wrote it at perhaps the worst case. We should establish how close to Vista Place the foundation or the building actually would be.

Mr. MacLennan: It would be 22 ft.

Mr. Alarie: At 22 ft. he is well within what was advertised.

Mr. MacLennan: Twenty-six feet, actually. It's only 4 ft. off.

Mr. Alarie: It extends only 4 ft. beyond the existing house?

Mr. MacLennan: Right.

Mr. Alarie: Okay, so the ad really overstates the worst case. I want to clarify that to begin with.

Mr. MacLennan: I actually have a picture.

Mr. Gordon: Did you take the porch down?

Mr. MacLennan: Yes.

Mr. George: Have you spoke to any abutters about the addition.

Mr. MacLennan: Yes, everybody's okay with it.

Mr. George: Do you have any more questions, Mel?

Mr. Gordon: No, I went to see it. I was surprised that the porch was off. I don't know why I was surprised. It's a nice little lot. Vista Place is a quiet dead-end. I think that a year or so ago we gave Mary Roughan on Clearview the ability to sell her back lot and that's now your backyard neighbor.

Mr. MacLennan: Thank you for that.

Mr. Gordon: Of course, you can't get rid of your mulch back there any more.

Mr. MacLennan: Well, I actually own enough land back there. When I bought the house, they told me that land was landlocked. That's one of the reasons why I bought it.

Mr. Gordon: I think we told her that it was landlocked too for a while.

Mr. MacLennan: How does it go from landlocked not to be landlocked?

Mr. Gordon: There was enough precedent in court cases that she was allowed to do that and there was a change in our bylaw.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of James MacLennan, 29 Vista Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, to allow the construction of an addition 15 ft. from the sideline of Vista Place upon property located at 29 Vista Drive.

The appellant's property is situated at the corner of Vista Drive and Vista Place with the dwelling situated thereon having a nonconforming front yard setback from each street. Until recently, there was a 3-season porch attached to the rear of the structure and Mr. MacLennan proposes to construct in its place a larger family room addition that will project 4 ft. beyond the line of the existing southerly side wall of his home.

The board, in reviewing this appeal, noted that Vista Place is a very short dead-end way with only 2 homes fronting upon the opposite side of the street. They also noted that the land to the rear of this site was recently developed, however, access to it is gained via Clearview Road. It was their opinion that the application of the applicable terms of the Zoning Bylaw to this property, due to its location and configuration, creates an undue hardship for the appellant in his attempt to expand his home. They found that the reduction of the existing front yard setback adjacent to this secondary street by only 4 ft. would not materially derogate from the intent of the bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Andrew and Rebecca Thompson, 22 Millwood Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Andrew and Rebecca Thompson, 22 Millwood Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 28 ft. from the rear lot line of property located at 22 Millwood Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 26 as Plot 94.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: We already heard this before, Ron?

Mr. Alarie: Ms. Thompson was before the board February 5, 2003.

Ms. Thompson: Our permit expired so I'm back here to just do the same thing. It's going to look like that. Here's my letter that said that we were approved and the plot plan if you would like to see how we were going to go off the back of our house.

Mr. Gordon: We've already got that.

Ms. Thompson: Okay, great. Quickly, it will look like this.

Mr. Gordon: Couldn't we just give her an extension on that, a six month extension?

Mr. Alarie: No. We talked about that at our last hearing, but because it already expired, the law dictates that you must treat it as being lapsed.

Ms. Thompson: Unfortunately, I didn't know that it would be up in February. So, I'm back before you. It's the same thing with no big changes.

Mr. George: When do you plan on starting this?

Ms. Thompson: As soon as we get the approval.

Mr. Rosen: I have just one question. When you say "No big changes", are there any changes?

Ms. Thompson: Oh, no, no, no, no changes. I'm sorry. We're taking off an existing porch and going through with the 2 rooms. Instead of 30 ft., we'll be 28 ft. and that's what originally was granted. It's only 2 ft. that we need.

Mr. Alarie: Actually, it's a 12 ft. variance. The rear setback there is 40 ft.

Ms. Thompson: Okay. We have an existing porch. So, we're taking the existing porch down, the 3-season porch that's there.

Mr. George: So, you are going out 2 ft. beyond the existing porch?

Ms. Thompson: Yes, 2 ft. beyond the existing porch.

Ms. Murphy: That's where your 2 comes from.

Mr. Gordon: This was built before zoning?

Mr. Alarie: Well before zoning.

Mr. Gordon: This is a narrow building area there. There's a lack of depth to those lots. I think that's what we saw last time.

Mr. George: So, what do we do Ron? Do we just vote on an extension?

Mr. Alarie: No.

Mr. Gordon: It's a whole new variance.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Andrew and Rebecca Thompson, 22 Millwood Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the construction of an addition 28 ft. from the rear lot line of property located at 22 Millwood Drive.

On February 5, 2003, the appellants were issued a variance to permit the construction of an addition to the rear of their home that would, in essence, replace an existing three season room. However, the rights authorized by that variance, which permitted a 2 ft. reduction to the existing nonconforming setback, was not exercised within the statutory time period and has lapsed. Mr. and Mrs. Thompson have appealed to re-establish those rights.

The board reviewed their previous decision relative to this matter and noted that it had been previously established that the size and shape of the subject property presented an undue hardship to the appellants in their attempt to modify their home. They further noted that the configuration of the structure would only be moderately altered with the replacement of the existing enclosed porch with the proposed fully enclosed structure and that the conditions relative to this appeal have not changed since their original approval. It was their opinion that neither the granting of the relief requested nor the construction of the proposed addition would seriously depart from the intent of the Zoning Bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Kim Glatki, 17 Huntington Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Kim Glatki, 17 Huntington Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of 2 dwellings situated upon property located at 17 Huntington Road and their replacement with a single

family home maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 57 as Plot 144.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Just state your name for the record and please make your presentation.

Ms. Glatki: Kim M. Glatki. This is my husband, David Glatki.

Mr. Thorn: My name is George Thorn from Quinn Engineering. I'm representing the Glatkis. We are here seeking a special permit this evening for 17 Huntington Road. The applicable portion of the zoning bylaws is Section IV, Subsection B. We're making a nonconforming use less nonconforming.

We're taking 2 existing dwellings off of the lot and replacing them with one proposed dwelling of equal or lesser side yard and rear yard setbacks. We were approved by the conservation commission a few weeks ago. It's a fairly straight forward plan. Again, the side yard setbacks are less than or equal to what is existing. We're taking 2 dwellings and we're only proposing 1. I would now open the floor to any questions by the board.

Mr. George: Is there a difference in square footage between the total square footage of the 2 buildings that you are removing and total square footage of the new building proposed?

Mr. Thorn: I believe the proposed square footage is a little larger than the existing, but it doesn't cover the maximum lot coverage. I calculated that out. It's less than what is allowed.

Mr. George: Are there any questions?

Mr. Gordon: These are very narrow lots. Have you spoken with your neighbors?

Ms. Glatki: Yes.

Mr. Gordon: What have you neighbors said?

Ms. Glatki: They're fine with it.

Mr. Glatki: They're all for it.

Mr. Gordon: I think that there was a similar change down there a year or so ago. One down is it?

Ms. Glatki: I think the one right next door to us at 15 Huntington put on an addition.

Mr. Gordon: Yes.

Mr. Glatki: Everybody's starting to clean the neighborhood up.

Mr. Gordon: I can understand that.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Kim Glatki, 17 Huntington Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the removal of 2 dwellings situated upon property located at 17 Huntington Road and their replacement with a single family home maintaining the existing setbacks of said property.

The subject premises was developed well before the institution of zoning in Shrewsbury and is nonconforming in many regards, including its frontage, side yard setbacks and, most prominently, the fact that it is occupied by two separate single family dwellings. The appellant proposes to remove both of these structures and to then construct one new single family home upon this property that will moderately increase the site's existing side yard setbacks.

Upon review of this appeal, the board found that the redevelopment of this property as proposed by Ms. Glatki would lessen its nonconforming character and would benefit the interest of the other residents of this rather densely developed neighborhood. It was their opinion that the elimination of one of the dwelling units would advance the general intent and purpose of the Zoning Bylaw and would conform to the specific provisions of the bylaw pertaining to the expansion or modification of nonconforming buildings and structures. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Harry E. and Cecelia M. Novelle, 262 Oak Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Harry E. and Cecelia M. Novelle, 262 Oak Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of a single family dwelling 20 ft. from the

rear lot line of property located at 262 Oak Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 39 as Plot 241.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Counsel, before we go any further, I have to advise you that we only have 4 members here tonight.

Atty. Ricker: I'm aware that there are only 4 members and we would go forward.

Mr. George: Okay.

Atty. Ricker: My name is Richard Ricker for the record. I'm an attorney practicing here in Shrewsbury as you know. I represent Harry and Cecelia Novelle who are seated next to me. They're the owners of 262 Oak Street, which is this house right here on the plans. This is Redland Road that they put in some years back. The proposed house that we're talking about would be on this section, which is a 15,511 sq. ft. lot.

As the board knows, this is a Residence B-2 District that is intersected by the zone line. The B-1 and B-2 zone line goes through the lot right here. In this particular case, the house would be situated within the B-2 zone, which requires a 12,500 sq. ft. lot. In all respects, other than the rear yard setback, this proposed house would be meeting all of the zoning requirements with respect to the lot size, side yard setback, front yard setback and everything but the rear yard setback. To the rear of the house, there is a large fielded area. It's a wide open fielded area of a parcel that has several houses on it. It is serviced by a common driveway coming off of the upper portion of Oak Street. I think that's 260 Oak Street, which is owned by the Porcaro family.

Mr. Novelle: It is.

Atty. Ricker: Basically, that has been that way since before Redland Road was even built.

In this particular case and this particular lot, being in the range of an acre to an acre and a quarter, it is, I would suggest to the board, unique in as much as it's the largest lot in that particular neighborhood and area. It is severely impacted by South Meadow Brook, which is a perennial stream. This presents a classic hardship in as much as, with the Rivers Act coming taking place in 1996 and the fact that these people have owned this land for a long, long time, it prevents them from building on any of this land here. This proposed house is at the 200 ft. mark from the perennial stream. So, the balance of the lot is virtually unbuildable. As you know, there is a 100 ft. "no build" zone within the area of the stream. Then on the second 200 ft. area there are sever restrictions on what you can disturb and what you can build. I believe that it's up to 5,000 sq. ft. or a certain percentage of the lot, whichever is greater. But, in this particular case, they have the old home situated where it is and, as I say, the proposed house footprint, which is about

25 ft. x 50 ft., would be at the 200 ft. mark.

As I stated, I would suggest to the board, respectfully, that this is a classic hardship under the definitions. It's based on the topography. It's also based on a situation that has occurred with legislation that occurred in 1996 while they owned the property. Prior to that date, Cecelia tells me that she had come up to the building department and had investigated whether or not she could build a house between the present house and South Meadow Brook and at that time it would have been acceptable. There was a 100 ft. setback restriction from the stream at that stage pursuant to the Wetlands Act. That was all she was dealing with. That setback did not have a "no build" to it. What it did was have certain requirements within the buffer zone for conservation purposes. In any event, this house, being 200 ft. back, this footprint is really the only location on the lot where you could place an additional building. They would like to do that.

As I suggested, it's incidental only to this particular lot. This is a unique lot within that particular area and I'm sure you've gone down and looked. The Redland Road area has a number of houses that are colonial in nature. They're on very small lots compared to this. That, incidentally, is the type of house that they would like to see constructed on this particular location.

Mr. George: When was this lot subdivided?

Atty. Ricker: This is just a preliminary plan now.

Mr. George: Just proposed? Okay.

Atty. Ricker: Yes. This plan is drawn for this purpose.

Mr. George: Okay.

Mr. Ricker: They are both retired and they need to figure out what they're going to do with this. This has been their major asset for all of these years.

Mr. Rosen: I have a question. Had you not had to contend with the Rivers Act, would there have been enough area in the lot to put up a second house?

Atty. Ricker: Yes.

Mr. Rosen: And it would be compliant with all zoning?

Atty. Ricker: Yes, easily.

Mr. Gordon: What will the address of this house be?

Atty. Ricker: That's a good question.

Mr. Gordon: Basically, your address is 262. You come in from the side and you go up the grade, but you're on Redland Road.

Atty. Ricker: I think that that would certainly be up to the Post Office, but I think the Post Office in situations like this can re-designate the addresses if that becomes the case.

Mr. Gordon: I'm just curious.

Mr. Alarie: It actually would be a matter for the assessor's office. They assign the street addresses. They've had issues like this in the past and I'm sure that it can be worked out.

Mr. Gordon: Now, with the grade of the current driveway, will you be moving the current driveway to another spot?

Atty. Ricker: Yes, that would be expected to move.

Mr. Gordon: Okay. Where will the driveway for this house come in from?

Atty. Ricker: This particular house will have a driveway that will come in from the front, probably at this point here.

Mr. George: Have you spoken to any of the abutters about this?

Atty. Ricker: I'm told that Mr. Novelle spoke to the abutters in the rear, which are the Porcaros.

Mr. Novelle: Yes, the Porcaros.

Atty. Ricker: And they were told that there were no objections. The bottom line is that there is a large field directly behind this proposed site. I walked back there and it's a very large open area. There is no house that is very close to this proposed site. Therefore, I would suggest that there would be no impact to any abutter.

Mr. Gordon: Would that back lot have frontage enough to build another house or would they have to be subdivided?

Atty. Ricker: I think they would have to subdivide.

Mr. Alarie: If you see the 3 parcels on the tax map, they're all nonconforming to one degree or another. Two of them have no frontage whatsoever and the third one has 2 structures on it.

Atty. Ricker: Right. I can give you a couple of these plans.

Mr. Gordon: We've got them.

Atty. Ricker: Yes, okay. As you can see, that rear lot is serviced by that common driveway that comes across here.

Mr. George: Are there any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Harry E. and Cecelia M. Novelle, 262 Oak Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, to allow the construction of a single family dwelling 20 ft. from the rear lot line of property located at 262 Oak Street.

The appellant's property is located at the juncture of Oak Street and Redland Road and borders South Meadow Brook which is a perennial stream. The parcel has a significant amount of frontage and contains over 55, 000 sq. ft. of land which would generally permit it to be subdivided into multiple lots. However, limitations imposed by the application of the so-called "Rivers Act" severely limits its further development to one additional single family home within the narrowest portion of the site. It was the board's opinion that this situation was genuinely unique to the zoning district and that the imposition of the minimum terms of the Zoning Bylaw to this property would impose a substantial hardship to Mr. and Mrs. Novelle, who have owned it well before the adoption of the aforementioned act. They noted that the area to the rear of the proposed lot is a very large tract of open land and it was felt that the reduction of the rear yard setback would not, in this instance, seriously depart from the intent of the bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Gitanjali L. Devi, 15 Brook Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Gitanjali L. Devi, 15 Brook Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 15 Brook Street as a limited service veterinary clinic. The subject premises is described on the Shrewsbury Assessor's Tax Plate 43 as Plot 15.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Just state your name for the record and make your presentation please.

Ms. Devi: I'm Gita Devi. I'm the owner of 15 Brook Street. Jan Beckwith is president and founder of Second Chance Fund for Animal Welfare.

Dr. Mansfield: Dr. Monica Mansfield. I'm a veterinarian and I volunteer sometimes with the Second Chance Shelter.

Dr. Bulger: I'm Dr. Jim Bulger, I am also a veterinarian. I have extensive experience with Second Chance.

Ms. Devi: Basically, we've been using the facility, it's my barn or my garage, for the past year and a half as a small adoption center. Due to financial circumstances and time constraints, we've closed that down. Second Chance would like to continue to use the facility, but in a different capacity. It would be in a capacity of a limited use spay/neuter clinic that would be free for people who are trapping stray and feral cats. If you have questions about that, I'm going to let Jan answer.

Ms. Beckwith: Have you read the letter that we submitted with our proposal about the crisis in the streets for an organization such as ours?

Mr. George: Does everyone have the letter?

Ms. Devi: I've notified all of my abutters and neighbors and talked with them about it. No one expressed any issues with it. They've been very supportive of what we've been doing for the past year and a half.

Ms. Beckwith: They've become some donors of ours as well.

Ms. Devi: And, adopters.

Ms. Beckwith: And, adopters.

Ms. Murphy: Excuse me, did you say that you want to utilize it as spaying clinic for cats?

Ms. Devi: Yes.

Ms. Beckwith: Yes.

Ms. Murphy: Okay.

Ms. Beckwith: As a limited use veterinary clinic that's a spay/neuter clinic.

Ms. Murphy: I understand that. What's the period of time that you would expect to retain the cats that are there?

Ms. Beckwith: Twelve hours.

Ms. Murphy: And then they would go on to the Second Chance adoption area located somewhere else?

Ms. Beckwith: Yes, they would go elsewhere off of the premises.

Ms. Murphy: Okay.

Ms. Beckwith: They would probably arrive around 7 in the morning. Our veterinarians and technicians would be there to receive them, perform the surgeries and vaccinations. Then they would be released upon waking up and checked by the veterinarians and taken elsewhere to where they were trapped or to places that they could be kept overnight to recover fully and then released back.

Ms. Murphy: Okay. How many cats would you expect to be on the premises at one time?

Ms. Beckwith: I think it would vary. I think our initial clinics would probably have between 20 and 30 cats, possibly up to 50 or so once we really got into a groove. It takes time to develop that. It also depends on how many veterinarians would be there.

Ms. Murphy: That's my next question.

Ms. Beckwith: Oh, okay.

Ms. Murphy: How many staff members would you expect to be there at any one time?

Ms. Beckwith: This would be 100 % volunteers so there would be possibly as many as 3 veterinarians and maybe 3 technicians at a given time. We were planning that we could have the people that were there the whole day park maybe at the Christmas Tree Shops and shuttle over.

Ms. Murphy: How did you know that that was going to be my next question?

Ms. Beckwith: Well, it made sense.

Ms. Devi: We anticipated all of this.

Ms. Beckwith: It's a little driveway and it's a narrow street so we figured that those were issues that were pertinent.

Ms. Murphy: Okay.

Mr. Gordon: And your hours, again, will be 7:00 in the morning until?

Ms. Beckwith: Until maybe 5:00. Dr. Bulger and Dr. Mansfield could probably answer that question better. If an animal is taken in around 7:00, what time would you expect it to go?

Dr. Bulger: To feel safe, post anesthesia?

Ms. Beckwith: Yes.

Dr. Bulger: Well, 5:00 is acceptable. Any shorter than that might be pushing it in terms of anesthesia recovery. You're always balancing that against the practical issues which are that it's not a housing facility for animals. It's a quick turnaround. You've got to get them in, done and returned to the owners. I've done something similar out of my hospital, but it's structured a little bit differently.

Mr. Gordon: So, would 7:00 to 7:00 be acceptable?

Dr. Bulger: Turnaround time, yes. I would say so in terms of doing the surgery and recovering.

Mr. Gordon: For the odd cat that may take longer to recover, is that enough time?

Dr. Bulger: Yes, you could work with that constraint.

Mr. Gordon: You say one day a week, but which day?

Ms. Devi: It would be on a weekend.

Ms. Beckwith: It would typically be on a weekend. The reason would be, because these would be volunteers working, particularly the veterinarians who probably have practices that they attend to Monday through Saturday, probably on a Sunday.

Ms. Devi: And, we're thinking only once a month initially to start.

Dr. Bulger: I can sort of pick up on that if there's some concern about how much hustle and bustle and noise that's generated and activity. First of all, the species are cats that don't bark. You have that advantage so their quieter. You can do them in mass fairly quietly and efficiently where it's all carrier dependent. In other words, they arrive in a carrier, the surgery is done and they're returned to the carrier. So, the post recovery and the input and the intake of the animals is fairly sedate and fairly uneventful. The only thing that you would probably experience from the outside looking in is you would see people coming and going with their cat carriers. But, besides that, there are no noise level issues.

Ms. Beckwith: We'd stagger the drop-offs. What we would do is open these up to feral cat trappers who belong to a network. They would come with the 8 or 10 cats each. We would have trapper 1 arrive at 7:45, trapper 2 at 8:15 so they would be in and out so that there would be no more cars in the driveway at any give time than maybe 2 or 3 that Gita's driveway could accommodate.

Dr. Bulger: I guess it begs a question from your perspective, why would we want to do this in Shrewsbury? It's a valid question. One thing to consider is that it's not just a population control thing. You also have to look at it as there are potential diseases, not just rabies, but intestinal parasites and things like that that people aren't aware of that are fairly

common. Parasites that cats carry, children can get and get quite ill from them. They're not reportable and that sort of thing and so it's under the radar screen in terms of public awareness about what cats can give.

Ms. Murphy: That brings me to my next question. What are you going to do about refuse disposal?

Ms. Beckwith: Well, we would do it how we do it at the clinics that you have.

Dr. Bulger: Are you talking about in the event of a death?

Ms. Murphy: No, actually, I'm thinking about needles and I'm thinking about bloody bandages and biohazards.

Ms. Beckwith: Yes, we take that off of the premises.

Dr. Bulger: Biohazards, you have containers for the sharps.

Ms. Murphy: Okay.

Dr. Bulger: They're a one way entry. You can take those off premises.

Ms. Beckwith: And, we would. We would have all that worked out.

Dr. Bulger: There is nothing that needs to be left there in that sense. In terms of blood and fecal matter and that sort of thing and urine, that would be bagged and brought to a veterinary hospital, mine or somebody else's who is agreeable to that. Tufts University would probably go along with it. I'm sure they already have a relationship with them.

Ms. Murphy: So, you'd be amenable to some type of a condition requiring you to take it off premises?

Ms. Beckwith: Absolutely

Dr. Bulger: You would have to do it properly.

Ms. Murphy: Within 24 hours?

Dr. Bulger: Yes. We wouldn't want it to sit and linger. You want there as though it didn't happen the next day.

Ms. Beckwith: By 7:00 it will all be clean.

Ms. Murphy: What I'm trying to think of is what, if any, impact it might have on the neighborhood and those are the things that need to be addressed.

Dr. Bulger: Those are very good concerns that need to be addressed and have been addressed I believe.

Ms. Beckwith: Yes, they have.

Mr. Gordon: Have you spoken to the neighbor to the west of you? That's the closest neighbor to you.

Ms. Devi: Gary Adamovich?

Mr. Gordon: Yes.

Ms. Devi: Yes.

Mr. Gordon: And?

Ms. Devi: Basically, Gary's main concern was that, when we have a clinic, he can park his car at the end of his driveway so people don't use his driveway to turn around. I said that's fine. I talked with everyone and they had no problems with it.

Mr. George: How many cats, during the course of the day, do you have at this clinic?

Ms. Beckwith: We would estimate, initially, probably anywhere between 15 and 30 coming through. When we get on a roll and grease the skids really well, we're hoping to get maybe 50 or 60.

Mr. George: So, you'll have quite a bit of traffic in the course of a day?

Ms. Beckwith: Driving in and out, but at no time any number of cars that would be parked.

Mr. George: More than 2 or 3 at a time?

Ms. Beckwith: Yes. We would stagger the drop-offs and pick-ups because the trappers don't want to get caught and stuck in all the cats and whose cat is that, wait a second, what label's on that trap. We have to really carefully monitor it ourselves, but mindful that the neighborhood really doesn't want to know that we're having a clinic.

Ms. Murphy: This is primarily for feral cats? This is not for domesticated cats?

Ms. Beckwith: It is 100 % only for this program. Absolutely not.

Ms. Murphy: If I wanted to bring my cat and have it done, could I?

Ms. Beckwith: No, absolutely not.

Ms. Murphy: Okay.

Ms. Beckwith: We have something else if you need your cat spayed or neutered. We have quick fix clinics.

Ms. Devi: At Dr. Bulger's office.

Ms. Murphy: I understand. That, however, limits the people who come, right?

Dr. Bulger: Yes.

Ms. Beckwith: This is purely for population management because of the crisis in the streets in the State of Massachusetts and, in deed, across the country is of epic proportions. It's just tragic.

Ms. Murphy: What I'm trying to get across is that you will have people bringing 4, 5, 6 animals in at a time. It's not like you would have 6 people dropping off 6 different animals? So, even though you will be having that many animals, the cars will be much less?

Ms. Beckwith: It will be cars loaded full.

Ms. Murphy: Okay.

Ms. Beckwith: A stacked type of thing.

Mr. Rosen: The most you anticipate is 1 day a week?

Ms. Devi: A month.

Mr. Rosen: A month?

Ms. Beckwith: Initially, we probably couldn't handle more than once a month, but we would really like to ultimately be able to do 2 or 3 a month, to have the leeway because we are planning to trap, particularly in this Town of Shrewsbury, in the subsequent years quite a bit. We want to community by community work all the neighborhoods to spay neuter 100 %. There's an initiative starting to make Massachusetts a "no kill" state. This clinic in the central part of the state will be really pivotal. We have one that is conducted in the north shore and then in one in Leverett Mass. in the western part of the state. There's really a void in the middle. We would like to fill that void with this clinic.

Ms. Murphy: So, would a condition of 4 days a month be acceptable?

Ms. Beckwith: Awesome.

Ms. Devi: Awesome.

Ms. Beckwith: Thank you, yes. That sounds wonderful.

Ms. Murphy: I'm just trying to think of ways to keep it within control.

Ms. Devi: We have been working with Leona, the animal control officer. I know that she's not here. She's going to try and make the meeting, but I know that she sent a letter in support of this.

Mr. Rosen: Do we want to make it 4 weekend days a month?

Mr. Gordon: Who, the animal control officer?

Ms. Devi: The animal control officer, right.

Mr. Alarie: We have a letter in the file.

Mr. George: We have a letter from the police animal control officer. She is in favor of this proposal.

Ms. Devi: Because we have been making an impact on the strays within Shrewsbury.

Mr. Rosen: And you would want just weekend days?

Ms. Devi: Yes.

Mr. Rosen: If we limited it to 4 weekend days a month?

Ms. Devi: That would be wonderful.

Ms. Beckwith: Oh, beautiful. Dr. Mansfield has something to say.

Mr. Gordon: If we had a time limit on this, what would you suggest for a time limit?

Ms. Beckwith: Explain what you mean by a time limit.

Dr. Bulger: Well, he was thinking 7:00 to 7:00, I believe.

Mr. Gordon: No.

Mr. Rosen: No, we're talking years.

Mr. George: In case we want to review it at a later date to see how it's going.

Mr. Gordon: If we find it becomes a problem, we want to be able to have you come back to talk about it.

Ms. Beckwith: A year. Whatever you want. If you had a problem, we'd come and talk to you about it and see what it was to resolve it.

Mr. Rosen: What do we want to do, 5 years?

Ms. Devi: I agree with you.

Dr. Bulger: It never hurts to see how it's running.

Ms. Murphy: Would you agree with that? I think that, in a year, they are barely going to get underway. I think a year might be a little short on 4 days a month to see how the program runs. That's all I'm thinking about.

Ms. Devi: We're not ready to just get started right away. There has to be some capitol improvements.

Ms. Beckwith: No, an October or November timeframe would be our first clinic.

Mr. Gordon: The only thing I'm thinking of is the dramatic growth in and around Brook Street.

Mr. George: Right. How about 3 years?

Ms. Murphy: Try 2. That will make them happy.

Mr. Gordon: I would go with 3.

Ms. Murphy: Three is making me feel happy.

Ms. Beckwith: But, if there was a problem, we would want to hear about it immediately and to resolve it.

Mr. Gordon: Oh, I'm sure you will.

Mr. Rosen: You absolutely will.

Ms. Beckwith: Okay.

Dr. Mansfield: One point I wanted to make too is the importance of this type of situation. As we said, it's not going to be for people's pet cats. The feral population is a difficult population to handle in a general practice to get the flow of dealing with these cats that are often extremely difficult to handle. These are volunteers who have been working with these cats all the time. What these 2 women have done and all of the volunteers who have worked at this is just amazing. They have poured hours and hours into the trap, neuter, release program. Once these animals are taken off of the streets, spayed, had their leukemia and aids tests, vaccines and then put out there, what it does is it tends to sterilize the population. These colonies like to stay at a certain number of cats. So, if you're putting the now sterile cats back in that population, they eventually burn themselves out instead of taking these cats away and another whole litter moves in that's ready to breed. Then you've got 3 times the problem. These people have put an incredible amount of effort into this. They know how to handle them, whereas, trying to get these feral cats spayed somewhere else, you don't necessarily have the staff that knows what they're doing and the safety issues relating to the staff members. It's a very specialized thing and it totally will not take away from the business of general practitioners because they're only

doing these feral cats that have no home and have no owner. So, it's not a conflict of interest with anyone, but it's a very valuable service, I think.

Ms. Murphy: I have just one more question to clarify it for the neighbors that, while they might not be here, will be seeing this. As you release these cats, you will not be releasing them in your neighborhood?

Ms. Beckwith: No.

Ms. Devi: No.

Ms. Beckwith: They will be returned exactly to where they came from.

Ms. Murphy: They will be returned to the neighborhood where they were captured.

Dr. Bulger: The point of origin, yes.

Ms. Murphy: That's all I wanted to know.

Ms. Devi: The other point that may happen is that, if we get cats that were actually probably someone's cat, at one point a pet.

Ms. Beckwith: A tame cat.

Ms. Devi: A lot of times people just dump their cats out. They come in when they get trapped and you realize that this is not a feral cat.

Ms. Beckwith: They're purring in the trap.

Ms. Devi: They will be taken in and adopted out. Kittens will be taken in, socialized and adopted out. So, we're reducing the numbers.

Mr. Gordon: This is what Second Chance does?

Ms. Devi: Yes.

Ms. Beckwith: Yes, that's what we do. In fact, you can ask Leona. In the last 2 months, we've taken in close to 40 kittens that she has found. And, she keeps finding more!

Mr. George: Well, she's doing her job.

Ms. Beckwith: Bless her heart, she is.

Mr. George: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Gitanjali L. Devi, 15 Brook Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 15 Brook Street as a limited service veterinary clinic.

The board reviewed the appellant's appeal to utilize a portion of the detached garage situated upon her property for the spaying/neutering of stray or feral cats. It was their opinion that the operation of the proposed clinic would provide a service that is extremely beneficial and essential to the welfare of the general public and that the use of the subject premises, on a limited basis, would be in harmony with the intent of the Zoning Bylaw. They found that, subject to limitations and conditions, this activity would not create any condition which would be harmful or injurious to the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal subject to the following restrictions.

1. The operation of the clinic shall be conducted substantially in accordance with the appellant's presentation to the board.
2. The clinic shall not be conducted more than two days per month.
3. All refuse and medical waste shall be removed daily from the subject premises at the conclusion of each clinic.
4. The rights authorized by this granting shall remain in effect for a period of three years, said period commencing upon the date of the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Jack Canzano, 479 Hartford Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Jack Canzano, 10 Boylston Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 479 Hartford Tpke. for the display and sale of custom cabinets. The subject premises is described on the Shrewsbury Assessor's Tax Plate 48 as Plot 14-2.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: I'm just going to let you know before we even get started that we only have 4 members here tonight.

Mr. Grenier: I'm aware of that and we're okay with it. Atty. Ricker gave us the heads-up on that. For the record, I'm John Grenier of J. M. Grenier Associates. I'm here with Jack Canzano who is the proponent for this proposed use variance.

Currently, Mr. Canzano has a custom cabinet showroom and display office on Route 9. The situation with his business right now is that he is having difficulties because he gets drop-offs from large 18 wheel trucks. Because he's on Route 9, which is an intensive retail type area, it's becoming very difficult and onerous to get his materials in. Mr. Canzano has a building that he owns of on Route 20 which is located on the northerly side of Route 20. Just to give you an idea of where it is, the new church is located on the adjacent side right here. Bruce Webber owns a truck repair, large heavy truck material, repair shop that is out in front right here. Actually, the property that is just west of him was before you at a previous meeting involving the bark, mulch and loam sales, which is partially a retail use as well.

As I was saying, Mr. Canzano has at this location a large, large parking area. There is a large loading area. He is looking to occupy this front area right here which is about 1,500 sq. ft. on the first floor. The existing distributor would be moving their offices to the second floor. So, he would have a small display area about 1,500 sq. ft. on the front on the first floor. This would give him much better access for the loading and unloading of his custom cabinets.

His business is kind of a unique type of business. It's not a classic retail use that has heavy traffic that is an in and out type with people coming in as you would see at Home Depot. It's more of a kiosk. You might have 4 or 5 customers coming in a day and it's more by appointment type of business. They would call ahead, come in to a showroom, we would show them the product and then they would be ordering it. So, it's not an intensive type of use that we are proposing for this. Actually, Jack could give you more of an idea of exactly how his business works.

Mr. Canzano: Sure. I've been in my present location for about 22 to 23 years. It's on the corner of Route 9 and 140. Through the years, the manufacturers have been delivering in larger and larger trucks. Now it's getting to the point where trying to back a 32 ft. truck off of Route 9 is getting very dangerous. To be truthful, I had never even thought about moving to this location, except one day when I had such a problem, I said "I've got to get out of here because it's too dangerous and becoming a problem."

Mr. George: Isn't there more activity right now on your present site that's causing this?

Mr. Canzano: Well, yes. The site is being used by more and more people.

Mr. George: Right.

Mr. Canzano: At times right now, there aren't any parking places in the parking lot. That was another reason for thinking about moving. So, I had built this building 2 years ago for my son-in-law and my daughter. They run a bread distribution company out of the main part of the building.

So, I just gave it some thought and thought that I could use the front part of the building for my display showroom. It's really not a retail business in the normal sense of the word. It's more warehousing than it is retail. There are displays put up so that people can pick out the style of the doors. It's very low use. Four or five customers a day would be a lot. Most of them are by appointment. We're going to be like 600 ft. off of the road. Most of my business is by word of mouth so it's not going to affect me being in a location like that.

Mr. George: So, you won't be drawing people off the street to the site?

Mr. Canzano: No, it's more by referrals, basically all referrals. I do very little advertising to the general public. In fact, I do none. I might have to do a little bit now that I'm not right where I am, but I don't plan on doing much at all. Most of my business is referral. It's very low key with 2 salesmen or salesmen/designers. They do the design work. I do the field measuring.

Most of the space that I'm going to be using is really for warehousing. In a retail district, getting something like I would need is becoming almost impossible to find because I need more warehousing than I do retail space.

Mr. George: Will you be manufacturing anything on this site?

Mr. Canzano: Nothing is manufactured. It's all manufactured by cabinet makers.

Mr. George: And brought in to the site?

Mr. Canzano: And it's delivered to me on trailer trucks. So, we receive 4 or 5 kitchens a week by trailer truck. Then they're distributed by my trucks to the individual homes.

Mr. Rosen: Ron, why is this a variance and not a special permit?

Mr. Alarie: We don't have any special permit provisions in the bylaw for retail activities within the industrial zone. It's pretty close to being a building materials salesroom.

Mr. Rosen: It's almost that.

Mr. Alarie: Right, but the floor area ratio, if you'll note on there, limits the amount of display area. His business just doesn't qualify for that provision of the bylaw.

Mr. Grenier: On that vein, as I was driving over here from my office just down the street from this site, I passed Kamco, which has a lot of building materials. I went by the new Case facility. So, it's in that vein, there are a lot of similar uses along Route 20.

Mr. Rosen: Right.

Mr. Alarie: We actually changed the bylaw 2 or 3 years ago. Previous to that, a Home Depot, which was the classic, was permitted in a Limited Industrial District as a building materials sales room.

Mr. Canzano: As I was too when I moved into the location.

Mr. Alarie: Right, it was. The change further limited that type of activity, again, to the amount of floor area for retail use as opposed to the predominance of the use being warehousing, yard storage and things like that.

Mr. George: There's another cabinet place down there somewhere, I think?

Mr. Canzano: About a mile down the road on the left.

Mr. George: Yes. Now, is that in the same type of district?

Mr. Alarie: No. That's actually in a Commercial Business District.

Mr. Gordon: Mr. Canzano, you don't manufacture any of your cabinets any longer. Is that correct?

Mr. Canzano: No. Originally, the person that I bought the company from manufactured cabinets. Then he got out of that business and we just hooked up with other manufacturers.

Mr. Gordon: How much warehousing will you have in relation to the showroom?

Mr. Canzano: It's about 2/3 to 1/3.

Mr. Gordon: Two thirds warehouse, one third showroom?

Mr. Confalone: Yes. The warehouse is huge. The whole building's about 11,000 sq. ft. I plan on taking over 1 section of 1 bay which is like 20 ft. x 50 ft.

Mr. Gordon: This will be separated from the food area by what?

Mr. Canzano: I'm going to build some walls around it. There's not food in that sense. It's all packaged bread. It comes in on trailer trucks and is immediately loaded onto other trucks and goes out. So, there is nothing stored there, but it will be separate.

Mr. Gordon: It's a cross dock?

Mr. Canzano: Yes. That's exactly what it is, it's a cross dock. One cross dock that I'm going to seal off from the rest of the warehouse so that you can't get from one area to the other.

Mr. George: Are there any other questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Jack Canzano, 10 Boylston Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 479 Hartford Tpke. for the display and sale of custom cabinets.

The subject property is located within a Limited Industrial District and was recently developed for the warehousing and distribution of food products. The existing building, which contains approximately 2,000 sq. ft. of office space and 9,000 sq. ft. of warehouse area, sits over 500 ft. in from the westbound lane of Route 20 where there is a large paved surface which provides parking for 14 vehicles and truck circulation completely around the structure. The appellant proposes to use the office area for the display and sale of custom cabinets and one bay of the warehouse for the storage of related inventory.

Upon review of this appeal, the board found that, due to the configuration of this site and the nature of the business proposed, the literal application of the terms of the bylaw would impose a substantial hardship to the appellant. They noted that Mr. Canzano's business, which he currently conducts from property located on Route 9, qualifies as a "Building Materials Salesroom" as defined in Section II of the Zoning Bylaw, which is a use permitted by right within an industrial zone, except that the floor area ratio of the sales/display area slightly exceeds that which is allowed to be utilized for said activity. They further noted that this area of the Route 20 corridor contains a mixture of commercial and industrial businesses and it was their opinion that, in this instance, the use of this site for the aforementioned purposes would neither materially derogate from either the intent or the purpose of the bylaw nor create any condition which would adversely impact the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

	Mr. George	Yes
Mr. Gordon	Yes	
Ms. Murphy	Yes	
Mr. Rosen	Yes	



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ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

June 29, 2004

PUBLIC HEARING: David Macchia-Mac Nash Corp., d/b/a Jiffy Lube, 508 Boston Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of David Macchia-Mac Nash Corp., d/b/a Jiffy Lube, 6 Bangor Street, Worcester, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and Section VI, Table I, to allow the removal and replacement of a portion of the building situated upon property located at 508 Boston Tpke. and the use of a portion of said building for the servicing of motor vehicles. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 91.

PRESENT: Paul M. George, Chairman Pro-Tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on June 14, 2004 and June 21, 2004.

Mr. George: Just state your name for the record and make your presentation please.

Mr. Pandolfo: Good Evening. My name is Joe Pandolfo from Pandolfo Company, Inc. I'm here tonight to represent Dave Macchia. Dave Macchia is part owner of Mac Nash Corp. They operate Jiffy Lube facilities. They have 18 facilities located throughout the New England area. They presently have one located at 508 Boston Turnpike here in Shrewsbury. They've been at this location for roughly about 15 years.

The reason we're here in front of the board tonight is that they have not been able to renew their lease at their present location. So, they're going to have to relocate this facility. Fortunately, they've been able to find one directly across the street listed as 512 Boston Turnpike Road, which a lot of you may be familiar with as the old Boston Tile building. As you are probably aware, this lot is a nonconforming lot and the building located upon this lot is nonconforming. Therefore, in order for Jiffy Lube to relocate there, they need a special permit for 2 reasons. One is for the use itself. A Jiffy Lube in the zoning bylaws is characterized as a garage. In this zone, being a Commercial Business Zone, a garage is an allowed use only by special permit by the board of appeals.

Secondly, for them to take occupancy of this building, we have to make some alterations to the building. Being a nonconforming building, that also requires a special permit. So, for those 2 reasons, we're here tonight in front of the board.

In order for Jiffy Lube to relocate here, they also needed to obtain what's called a "Commercial Garage License" that is given by the board of selectmen. We did appear in front of the board of selectmen on June 21st. They did receive that license.

I'll explain to you quickly what is going on here. The present lot is 37,429 sq. ft. The existing building that is located upon the lot is 9,440 sq. ft. Jiffy Lube had to lease the entire building. The landlord who owns the building did not want to break it up and just

sublease to them. So, they had to lease the entire building. Jiffy Lube only plans to occupy 3,200 sq. ft. of it. So, that leaves the remaining 6,240 sq. ft., which they will sublease to somebody. They have no plans for that now. Dave, you've talked to a few people, but it looks like it might be used just for warehousing?

Mr. Macchia: Right. There are no solid plans yet.

Mr. Pandolfo: The important thing to remember is that what we're going to do is not going to change the footprint of the building at all. So, from that aspect, we're not going to change that one bit. I think you probably received the smaller version of the plans. I don't know how well you can see this.

The majority of the work will be done in bay 1 and bay 2. A Jiffy Lube does not put there cars up on lifts as you are probably aware of, but they work from underneath the car. So, in the old days they used to work in what was called a "pit." Those are no longer allowed so it's an actual basement that they work in now. The reason that it's allowed is because the air is changed in that basement. That's what makes it legal to work down there.

So, we have to dig out this area. The easiest way to do that is just to take the walls of this structure right down, which is this area right here where bay 1 and bay 2 are located, dig it out for a basement and then put a foundation right back exactly where it is. So, that would be their main area where they service the automobiles.

Their location over there now has 4 bays. This here is just going to be 2 bays for oil changes. They are going to have a third bay which is over here. This area right here will not be dug out at all. That will still all remain a slab on grade, but that third bay is needed for certain things that take more time than an oil change, like rotation of tires and things like that. If that needs to be done, they'll bring the car into that bay there. So, the rest of the building will have a customer area and their office, backroom storage, that third bay that I just spoke about and then a tank room which will store their tank products. All of that will remain within the building.

I showed you a use and dimensional data sheet. Basically, nothing is going to really change at all in a negative way. The only thing we are going to change is the height of bay 1 and bay 2 will increase from roughly 13 ft. to 18 ft. high. What we did, in order to make the rest of the front of the building look a little bit better, is we carried that same roof line along here. We're not raising the roof or the ceiling height in this part of the building at all. That's just a façade along there to tie it together. That will look like this, but this could really drop down and be a little bit lower and still have the look. That's not final yet unless, at this meeting, you require that to be final. That could drop down a little bit, but we do need that height for bay 1 and bay 2.

This is the side view. I have a picture of the existing building that's there now.

Mr. Pandolfo submitted the picture to the board.

Mr. George: I have a few questions for you. On any give day, how many trips do you anticipate using this facility?

Mr. Macchia: Well, we average roughly 50 cars a day, give or take. It really depends on the time of year. That's our current average. I'm not sure what we'll do in this location. We're thinking that we might do a little less.

Mr. George: What are your plans for waste oil on this site?

Mr. Macchia: Well, I'll let Joe speak to that.

Mr. Pandolfo: Actually, I've built something like a hundred and something Jiffy Lubes. I did not build his present location. I'm sure that you have a tank room in the basement.

Mr. Macchia: That's right, yes.

Mr. Pandolfo: All oils have to be in a separate, contained room. They can be in the basement or they can be above ground. In this particular case because this is only going to be a 2-bay garage, they will be in this room here. In a typical Jiffy Lube, the area under an office in the basement area is used as the containment for the tank room. We're not going to excavate under that area here. So, this back area here will be the tank room, which will be above ground.

Mr. George: That's going to be in the working bay?

Mr. Pandolfo: It has to be separated. It has to have a 2 hour separation. It has to have full containment. It has to have a chemical fire suppression system. The building itself is sprinklered by water, but the tank room will have to have a chemical fire suppression system. The fire department will have to approve it. There's a section under 527CMR9.06B that tells you exactly how this room has to be in a lubitorium. We meet that guideline exactly. So, we usually never have a problem with the local fire department. At one time, you had to get a license from the board of selectmen for any storage above 500 gallons. That was recently changed. The fire department can permit up to 10,000 gallons.

Mr. George: How many gallons will you have in this one?

Mr. Macchia: It will probably be somewhere around 4,000 gallons.

Mr. Pandolfo: They'll have waste oil and then they'll have like 5W30 new oil and 10W30 new oil. Then they'll have some automatic transmission fluid in smaller tanks for things like that.

Mr. George: Do you also do things like antifreeze? Are those products kept in separate containers?

Mr. Pandolfo: That has to be in the tank room. That will be in separate containers, new antifreeze and waste antifreeze.

Mr. Gordon: You say that the tank room is contained. How is the door from the contained room, the tank room, to the repair bay, contained?

Mr. Pandolfo: On the inside. That door swings out and this door swings out. Inside of that there'll be a containment wall. You have to do a calculation. The wall for that size room will probably be about 2 ft. high.

Mr. Gordon: So, if everything spilled, it spills into where?

Mr. Pandolfo: It has to stay. The floor has to be sealed properly. It has to be sealed up the walls as high as the containment area. There's a calculation that you do for the size of the room, the quantity of the tanks that will be in there. Then that containment is built accordingly.

Mr. Gordon: I have another question. Is this 1 lot or 2 lots?

Mr. Alarie: It's actually shows on the tax map as 2 lots, but they're both in common ownership and, since it does not meet the minimum area requirement, therefore it's merged with the larger lot. From a zoning standpoint, it's one property.

Mr. Gordon: Does that affect the parking?

Mr. Alarie: No. In terms of their proposal, there are no implications relative to the parking. It depends on perhaps what happens to the rest of the building. But, if it stays warehousing, it would have no impact.

Mr. Gordon: Okay. The other question I had was that I noticed that on the east side of the building abutting Armenti's building there are parking spaces. Are those on the Armenti lot or are they on yours?

Mr. Pandolfo: Oh, over on this side?

Mr. Gordon: Yes.

Mr. Pandolfo: The selectmen asked us the same question. We really can't answer that. If they're parking there, they're parking there. They're not their spaces because it's not their property. Unless there's a deal that they have with them, which I don't think they have, I think it's just a case that the building's empty and they just park there and they don't bother them.

Mr. Gordon: Okay. So, the property line goes up to abutting the building, your building?

Mr. Pandolfo: The line is right here. The closest corner in the rear is almost 28 ft. away. You're talking about the cars that park right up there.

Mr. Gordon: No. I'm talking about the cars that park on the other side up against the Armenti building.

Mr. Macchia: Yes. The building is not shown in the drawing.

Mr. Gordon: That would be to your left.

Mr. Pandolfo: On this building?

Mr. Macchia: Right.

Mr. Gordon: That's where the spaces are. They're marked spaces.

Mr. Pandolfo: All right. If they're closer than 27 ft., then they're on this lot.

Mr. George: Then they're on your property?

Mr. Pandolfo: They're on our property.

Mr. Macchia: Right. I spoke with the landowner. They did not have an answer to whether they had an agreement or not. She seemed to believe that it was more that they were neighbors and they were just using it because there is a vacancy in the building. She was going to look into that for me and let me know because the board of selectmen asked that question also.

Mr. Pandolfo: What we did do, though, is right now in the front there are some parking spaces that you can barely see the lines and we changed that.

Mr. George: Whose parking is that? That's where Boston Tile used to park?

Mr. Pandolfo: Yes. What we did though, is we did not add any pavement, but we did show that by having one-way traffic, we added a bunch of parking here and parking here and then a dumpster area here.

Mr. George: Is that on dirt pavement?

Mr. Pandolfo: No, it's on asphalt

Mr. George: Asphalt pavement?

Mr. Pandolfo: It's all on asphalt pavement. Jiffy Lube only needs parking for their employees. No body can leave a car there. You can't drop your car off. There is no overnight parking. So, like the building inspector said, what they can do here will be governed by what they can do for parking. They can't have some things because they don't have the parking.

Mr. George: Right.

Ms. Murphy: So, at least on your proposal here, it indicates that there's a proposal for 18 parking spaces. So, you wouldn't have an objection to a condition that 18 parking spaces be provided on-site for Jiffy Lube only?

Mr. Macchia: It would be excessive. We would never need that many.

Ms. Murphy: I understand that, but that's a proposal that's before us. The concern that I have is that the other part of the building, if it's utilized for something else and they need parking there, how is somebody going to address whether there's sufficient parking for both your business and the other business?

Mr. Pandolfo: Right. It's a good point.

Ms. Murphy: The representation that's being made is that there will be 18 spaces provided. I'm assuming that that's going to be for your business.

Mr. Pandolfo: Well, it isn't. I shouldn't have done that then.

Ms. Murphy: Okay. That's what I wanted to be sure of.

Mr. Pandolfo: We can get it clarified right now. I really couldn't find anything in the Zoning Bylaws that said what parking was required for the Jiffy Lube itself.

Ms. Murphy: I didn't say anything was required.

Mr. Pandolfo: No, I know that.

Ms. Murphy: I was just basing it on what was in the presentation.

Mr. Pandolfo: In a lot of towns, they'll say you have to have 3 spaces per bay. There was nothing that I could see anywhere that said that I had to have this many spaces. So, what I did was, I put in as many spaces as I could. The most that they would ever need is 7 spaces because, typically, they have 6 or 7 employees and that's it and assuming that everybody has a car. Nobody can leave a car there.

Mr. Rosen: How many cars can you queue-up?

Mr. Pandolfo: In here you could have 4 in each bay. You can only queue that many up because people won't wait that long. It defeats the whole purpose of their business.

Mr. Macchia: Typically, we'll service maybe 5 cars per hour. They usually come in 1 or 2 at a time.

Mr. Rosen: Is that 5 cars per bay or 5 cars per hour?

Mr. Macchia: That's 5 per hour total, yes. In a 10 hour day, we do 50 cars. They typically spread out so it's not like we have a glut of traffic at the same time.

Mr. George: The cars are queued to the back of the building?

Mr. Pandolfo: Yes. You would drive in. That's why I put this island in here. You would have to circle around and go here. This is one-way because, due to the zoning requirements, there isn't enough room to get 2-way traffic. I didn't want to increase the pavement at all. So, you can only get one-way travel and back out. This is angled parking here.

So, in fairness to your question, I think it would be fair to come up with a number, but 18 would be crazy because they would never need that much.

Ms. Murphy: I wasn't suggesting that.

Mr. Pandolfo: No, I know.

Mr. Alarie: Actually, it is in the bylaw. For this use, it requires 1 parking space for each 1,000 sq. ft. of floor area. So, it's a very minimal requirement.

Mr. Pandolfo: Yes, only 4 spaces.

Mr. Alarie: The question that I would have is that the owners repaved all of the lot to the westerly side of the building. This is kind of beat-up a little bit. Are you resurfacing all of that area?

Mr. Macchia: We haven't really discussed it.

Mr. Pandolfo: Are you talking about this area?

Mr. Alarie: In front of the building.

Mr. Macchia: It would be our goal to make it look like a new building. We want to have a nice appearance and maintain it. We really haven't discussed the needs of the pavement.

Mr. Pandolfo: We haven't really discussed any of it, but the front's going to get beat-up pretty good anyhow just from the excavation and everything.

Mr. George: So, that will be repaved anyway?

Mr. Pandolfo: Yes.

Mr. Alarie: If the board remembers, before we rezoned that area from the Industrial to commercial, Curves was, I think, the last retail activity that went in there by variance. Part of that stipulation was the resurfacing and relining of all of that portion of the lot. It really has enhanced that part of the site.

Mr. Macchia: We would not be opposed to repaving or resealing, whatever is necessary.

Mr. Pandolfo: Would you like to put that in as a condition?

Mr. Alarie: I would just like to get your position as to what your intentions are.

Mr. Macchia: We would do that.

Mr. George: Are there any other questions? If we hold you to a certain amount of parking spaces for the Jiffy Lube, what would you suggest?

Mr. Macchia: I think 7 is a good number. That's typically what our needs would be.

Mr. George: How many spaces do you have allocated throughout the site.

Mr. Pandolfo: Eighteen.

Mr. Gordon: You wrote down 10 are required. Why did you put 10 are required?

Mr. Pandolfo: I probably went by that 1 per 1,000 sq. ft. With the building being 9,500 sq. ft., you automatically go to 10,000 sq. ft. That's where I came up with the 10 spaces.

Mr. George: That's for the entire building?

Mr. Pandolfo: For the entire building.

Mr. Rosen: Not just for Jiffy Lube?

Mr. Pandolfo: No.

Mr. Pandolfo: I'm sorry. Yes, you told me that, that's why I was doing that. That's what I was doing. I did a required 10, provide 18.

Mr. George: Okay, so we'll hold Jiffy Lube to 7 spaces.

Mr. Pandolfo: That's fine.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On June 29, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of David Macchia-Mac Nash Corp., d/b/a Jiffy Lube, 6 Bangor Street, Worcester, MA, for special permits as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, and Section VI, Table I, to allow the removal and replacement of a portion of the building situated upon property located at 508 Boston Tpke. and the use of a portion of said building for the servicing of motor vehicles.

The subject building, which is now vacant, contains approximately 9,500 sq. ft. of floor area and was previously used for many years for the retail sale, display and warehousing of tile and related products. This property was recently rezoned from Limited Industrial to Commercial Business and the appellant proposes to establish a Jiffy Lube franchise within

the front westerly portion of the easterly most building situated thereon. This business, which has operated for a number years in the auto mall directly across Route 9, would occupy about 3,200 sq. ft. of the building's floor area and, to accommodate the service bays, the ell located at the right front corner of the structure, which is nonconforming with respect to its front yard setback, would be razed and reconstructed.

Upon review of this appeal, the board found that the use of this site as a Jiffy Lube center was in harmony with the intent of the Zoning Bylaw in permitting the servicing of motor vehicles within the Commercial Business District. It was their opinion that this business, which performs a limited scope of maintenance services rather than general automotive repairs, would be compatible with many of the other business located along this section of the Route 9 corridor and would not create any condition that would be harmful or injurious to the welfare of the general public.

Similarly, in reviewing the appellant's request to permit the removal and reconstruction of a portion of the subject building, the board found that the alterations proposed would neither change the nonconforming configuration of this structure nor adversely impact the welfare of other properties or businesses situated in the immediate vicinity of this site. Conversely, they found that the front of this building, which is an older, painted block structure, would be modernized and its appearance would be significantly enhanced in conjunction with the aforementioned reconstruction. It was their opinion that the reuse and the renovation of this building was in keeping with both the intent and the purpose of the Zoning Bylaw and complied with the statutory requirements for the issuance of both of the special permits requested and they, therefore, unanimously voted to grant the appeal as presented to the board subject to the following conditions:

1. The business hours of the service center shall be limited to those hours between 8:00 A. M. and 6:00 P. M., Monday through Friday, between 8:00 A. M. and 5:00 P. M. on Saturdays and between 9:00 A. M. and 5:00 P. M. on Sundays.
2. The front façade of the building shall be reconstructed substantially in accordance with the plan presented to the board.
3. The off-street parking areas located to the front and easterly and westerly sides of the building shall be repaved and striped in accordance with the site plan presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

Paul M. George, Clerk